

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SHARON CHASE, as Administratrix of the  
Estate of NICOLE CARMEN,

Plaintiff,

vs.

CORRECTIONAL MEDICAL CARE, INC.,  
EMRE UMAR, JANE DOE NUMBER ONE, the  
screening nurse for decedent, Nicole Carmen,  
employed by Correctional Medical Care, Inc.,  
whose identity cannot presently be determined,  
JANE DOE NUMBER TWO, Head Nurse at the  
Schenectady County Jail, employed by  
Correctional Medical Care, Inc., whose identity  
cannot presently be determined, JOHN/JANE  
DOES 3-5, employees of Correctional Medical  
Care, Inc., whose identities cannot presently be  
determined, COUNTY OF SCHENECTADY,  
DOMINIC A. D'AGOSTINO, JIM BARRETT  
and JOHN/JANE DOES 6-10, employees of the  
Schenectady County Sheriff's Department whose  
identities cannot presently be determined.

Defendants.

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**DEFENDANTS' ANSWER TO**  
**CROSS- CLAIMS**

**Civil Action No.: 1:14-CV-0474**  
**(DNH/TWD)**

Defendants, CORRECTIONAL MEDICAL CARE, INC. and EMRE UMAR, by and  
through their attorneys, Smith, Sovik, Kendrick & Sugnet, P.C., answer and respond to the  
Cross-Claims of co-defendants, County of Schenectady, Dominic A. Dagostino and Tim Barrett,  
as follows:

1. Defendants **DENY** each and every allegation contained in paragraphs "59"  
through "62" of the co-defendants' Answer with Cross-Claims.

2. Defendants **ADMIT** that Correctional Medical Care, Inc. had entered into an Agreement with co-defendants and, further, that portions of the co-defendants' allegations contained in paragraph "63" contain a portion of that contract. Defendants **DENY** that they have improperly rejected co-defendants' demand for indemnification or that they have in any way breached said contract. Defendants **DENY KNOWLEDGE OR INFORMATION** sufficient to form a belief as to the truth of the remaining allegations contained in paragraph "63" of the co-defendants' Answer with Cross-Claims.

**AS AND FOR A FIRST CROSS-CLAIM AGAINST THE CO-DEFENDANTS**

3. That if plaintiff sustained injuries and damages as alleged in the Complaint by reason of fault other than the decedent's own negligence, and judgment is recovered against these answering defendants, the liability of said defendants will have been brought about by the negligence of co-defendants and not through any negligence on the part of the answering defendants. Defendants are, therefore, entitled to indemnity and/or contribution for all or part of any such judgment rendered against them and in such amounts that may be determined ultimately at the trial of this action, including, but not necessarily limited to attorneys' fees.

4. The answering defendants, therefore, demand judgment over and against co-defendants for their proportionate share of liability.

**WHEREFORE**, defendants, CORRECTIONAL MEDICAL CARE, INC. and EMRE UMAR, demand judgment as pertaining to co-defendants' cross-claims as follows:


- A. Dismissing co-defendants' cross-claims in their entirety;
- B. Determining the relative culpability of all parties named and unnamed to this action and awarding contribution and/or indemnification;

C. Awarding contribution or indemnification to defendants, Correctional Medical Care, Inc. and Emre Umar, for the damages sought in this action including attorneys' fees, costs and disbursements; and

D. For such other and further relief as this Court may deem just and proper.

Dated: August 19, 2014

**SMITH, SOVIK, KENDRICK & SUGNET, P.C.**



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